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THE TABLET.——No. XLII.

"*The good and bad qualities of men are ſo blended, that it cannot be exactly known, where one ends and the other begins. This creates a ſource of uneaſineſs and jealouſy among the people, and makes them extremely at a loſs how to manage the diſtribution of praiſe and blame.*"

THERE is no ſituation in which men can be placed, where it is more difficult to aſcertain their real motives of conduct, than when they are ſpeaking of public affairs. However diverſified may be the tempers of men, however oppoſite may be their purſuits, they ſeem generally to be agreed in this one point; *that the concerns of the government might be managed better than they are.*

Every man ſuppoſes he poſſeſſes a good ſhare of public ſpirit. While patriotiſm is the pretence, it is a very plauſible cover for ignorance, ill-nature and ſelf-intereſt. There are ſo many miſchiefs reſulting from the deception which is impoſed on the world, by the falſe colors which the paſſions and characters of men aſſume, that I could wiſh my readers would call their attention to a little ſelf-examination. Several perſons of my acquaintance often meet in a club to diſcuſs political ſubjects; and whenever I fall in their company I have obſerved, they are fond of ſhewing their patriotiſm by pointing out ſome of the errors of the government, and ſuggeſting hints of improvement. I ſhould be wanting in candor if I imagined all their obſervations were dictated by ſiniſter views. Men, who ſupport an unblemiſhed reputation in the private walks of life, are entitled to ſome degree of indulgence, when we are conſtruing the motives of their conduct relative to public tranſactions. Under this perſuaſion, I will mark the outlines of ſome characters, who I perceive have ſome influence in forming and controuling the popular opinions and wiſhes. The reſult will prove that men without any bad intentions often miſtake the public good, and excite clamour and uneaſineſs when no cauſe exiſts

INFELIX is a man who, in many reſpects, poſſeſſes real worth and excellence. He is only bad in appearance. Any one, who paſſes an hour with him, will go away diſſatisfied; but upon a more intimate acquaintance many good qualities may be diſcovered. It is to be regretted, that ſo worthy a man often makes himſelf and others unhappy, by the irritability of his temper. From a natural reſtleſſneſs of ſpirit he is ſo habituated to murmur and fret, that no character or event eſcapes the ſtrokes of his peviſhneſs. When he is ſpeaking of public men and meaſures, one would imagine, he is the inveterate enemy of both. But there is not any man, whom it would be more difficult to draw into any deliberate act of ſedition; and there are few men, from whom the community derives more ſubſtantial benefit. With an inceſſant ſpirit of complaint, he pays his taxes and performs other duties required of him, in better ſeaſon than any of his neighbors, and with as little captiouſneſs as he eats his dinner. This caſt of temper may rather be called ill-humour than malice, and keeps a man habitually uneaſy without provocation or deſign. It ſtrikes at no determinate object, but rails indiſcriminately at the times. Such a man is always diſcontented with preſent objects, without giving any reaſon why he is ſo; and wiſhes alterations, without being able to tell what they ſhould be.

If I remonſtrate with my friend INFELIX and urge him to check his fretfulneſs, he will ſcarce allow that he has a complaining ſpirit. When he has been, for ſeveral hours, throwing cenſure on public affairs, if he is told of it, he recollects little or nothing of the matter. He means no harm and really feels no enmity. Still, however, he is a dangerous aſſociate. Many of his acquaintance believe he is a zealous patriot. They do not conſider that he is conſtitutionally prone to murmur; and are apt to aſcribe to a cool reflection, thoſe remarks, which involuntarily flow from a habit of impatience and diſguſt.

I have another friend called BENEVOLUS, from whom, it would be imagined, the public tranquility had nothing to fear. He never ſpeaks with any degree of ſplean and reſentment; and has ſuch an habitual ſerenity of mind as to be the favorite companion of all his acquaintance. But ſtrange as it may appear, BENEVOLUS ſometimes ſhakes the confidence of his friends, in the public proceedings. From a ſtrong deſire to ſee the affairs of the community proſper, he beholds with too lively ſenſibility every occurrence that counteracts ſo benevolent a wiſh. The truth is, he thinks too favorably of mankind, and is led to expect more than events will authorize. As he has no juſt ideas of human nature, when he perceives inſtances of imperfection in any individuals, he is apt to ſuppoſe other men are leſs liable to frailty. In ſhort, he never ſuſpects any errors in any perſon until he actually diſcovers them. BENEVOLUS, though a well diſpoſed man, is a very weak one. His knowledge is not ſo extenſive as his motives are pure. He has ſo defective a diſcernment, that he cannot diſtinguiſh between public misfortunes and public errors. His want of ſagacity prevents his tracing diſorders to their proper ſource: and makes him charge upon individuals thoſe evils which reſult from the inherent nature of ſociety. He will not complain with bitterneſs, but mildly expreſſes the pain he feels that public officers have ſo little patriotiſm and integrity. BENEVOLUS is perfectly honeſt in his principles and confines all his aſſertions within the limits of truth. The defect of his underſtanding expoſes him to miſtakes; and makes him inadvertently the dupe of men worſe than himſelf. This good man, while he fervently wiſhes well, often does ill to the government.

(*To be continued.*)

NEW-YORK, SEPTEMBER 5, 1789.

SKETCH OF PROCEEDINGS OF CONGRESS.

In the HOUSE of REPRESENTATIVES of the UNITED STATES,

SATURDAY, AUGUST 29.

IN committee of the whole—Mr. BOUDINOT in the chair.—

DEBATE *on the* JUDICIAL BILL—*continued.*

On motion to ſtrike out the third ſection.

MR. MADISON. It will not be doubted that ſome judiciary ſyſtem is neceſſary to accompliſh the objects of the government; and that it ought to be commenſurate with the other branches of the government. Under the late confederation it could ſcarcely be ſaid that there was any real legiſlative power. There was no executive branch; and the judicial was ſo confined as to be of little conſequence. In the new Conſtitution, a regular ſyſtem is provided. The legiſlative power is made effective for its objects; the executive is co-extenſive with the legiſlative, and it is equally proper that this ſhould be the caſe with the judiciary. If the latter be concurrent with the ſtate juriſdictions, it does not follow that it will for that reaſon be impracticable. It is admitted that a concurrence exiſts in ſome caſes between the legiſlative authorities of the federal and State governments; and it may be ſafely affirmed that there is more both of novelty and difficulty in that arrangement than there will be in the other.

To make the ſtate courts federal courts is liable to inſuperable objections. Not to repeat that the moment that is done, they will from the higheſt down to the county courts, hold their tenures during good behaviour, by virtue of the Conſtitution. It may be remarked that in another point of view it would violate the Conſtitution, by uſurping a prerogative of the Supreme Executive of the United States. It would be making appointments which are expreſsly veſted in that department, not indeed by *nomination* but by *deſcription*, which would amount to the ſame thing. But laying theſe difficulties aſide, a review of the conſtitution of the courts in many States will ſatisfy us that they cannot be truſted with the execution of the federal laws. In ſome of the States, it is true they might, and would be ſafe and proper organs of ſuch a juriſdiction: But in others, they are ſo dependent on the State legiſlatures, that to make the federal laws dependent on them, would throw us back into all the embarraſſments which characterized our former ſituation. In Connecticut the judges are appointed annually by the legiſlature, and the legiſlature is itſelf the dernier reſort in civil caſes. In Rhode-iſland, which we hope ſoon to ſee united with the other States, the caſe is at leaſt as bad. In Georgia even under there formed Conſtitution, the judges are triennially appointed, and in a manner by no means unexceptionable. In Pennſylvania they hold their places for ſeven years only. Their tenures leave a dependence, particularly for the laſt year or two of the terms, which forbid a reliance on judges who feel it. With reſpect to their ſalaries, there are few States if any, in which the judges ſtand on independent ground. On the whole, Sir, I do not ſee how it can be made compatible with the Conſtitution, or ſafe to the federal intereſts to make a transfer of the federal juriſdiction to the State courts, as contended for by the gentlemen who oppoſe the clauſe in queſtion.

Mr. JACKSON.—Sir, the importance of the queſtion induces me to trouble the committee ſo far as to anſwer one of the arguments made uſe of in the oppoſition, and which I think neceſſary (to do away the impreſſions they may have made) ſhould be anſwered. The gentleman from Maſſachuſetts, (Mr. Sedgwick) has carried the nation to the higheſt pinnacle of glory, and in a moment hurled it down to its loweſt pitch; and has laid the loſs of national faith, credit, and honor to the want of an energetic judiciary.—Every good citizen will with him deplore the abject ſtate we have been brought to; but, Sir, do his arguments hold good here? I am of opinion and it is evident they do not.—Under our old form of government Congreſs had no compelling judiciary—no power of reverſing the decrees of the State Judges; but is it contended that they have or ought to have none under the preſent ſyſtem? It is allowed, Sir, that Congreſs ſhall have the power in its fulleſt extent to correct, reverſe or affirm any decree of a State court; and aſſuredly the ſupreme court will exerciſe this power. How then can our national faith or honor be injured by ſtriking out the clauſe in future? It muſt be obvious to the gentleman himſelf that his fears are groundleſs: For the ſupreme court will interfere and keep the State judiciaries within their bounds. That authority will tell them, thus far ſhall ye go, and no farther, and will bring them back when they exceed their bounds to the principles of their inſtitution.

Another gentleman from Maſſachuſetts, (Mr. Ames) has advanced a poſition I cannot agree with; he has ſaid that the State courts will, nor cannot take cognizance of laws of the Union, as it would be taking up matters without the bounds of their juriſdiction, and interfering with what was not left to them. Sir, I anſwer that gentleman with the words of the Conſtitution, "This Conſtitution and the laws of the United States made in purſuance thereof, and all treaties, &c. ſhall be the ſupreme law of the land"—this ſurpaſſes in power any State laws:—The judges are bound to notice them as the ſupreme law, and I call on the gentleman to know, as a profeſſional man, if a criminal was tried for a capital offence under a State law and could juſtify himſelf under the laws of the Union, if the State judges could condemn him? Sir, they would forfeit their oaths if he was not acquitted;—this however he has admitted in his argument in ſome meaſure. If there was no juriſdiction, neither could they notice the law. I acknowledge that the gentleman has uſed many ſpecious arguments; but as they reſt chiefly on this ground, I think they are done away.

The gentleman (Mr. Madiſon) from Virginia, has advanced that by leaving this power in the hands of the State judiciaries, or by joining their concurrent authority, you eſtabliſh them as inferior juriſdictions. If the gentleman will turn to the 11th and 25th ſections, he will find both thoſe poſitions eſtabliſhed, and what fell from the gentleman from Maſſachuſetts concerning juriſdiction is likewiſe anſwered. The State courts by the former are acknowledged to have concurrent juriſdiction in a large extent, where the United States or an alien are a party, or between citizens of one State and thoſe of another. And if the juriſdiction is acknowledged in ſome points, it muſt be ſuppoſed to be ſo in the fulleſt entent. By the 25th, Sir, they are again fully eſtabliſhed, and therefore they are now by the preſent ſyſtem in every light as fully, agreeably to the gentleman's argument inferior juriſdictions, as they poſſibly could be by the principles of the gentleman from New-Hampſhire. And here Sir, I will advert to the general arguments, uſed by the gentlemen in oppoſition, of the neceſſity of power to enforce the laws of the Union and ſupport the national exiſtence and honor. Sir, I am oppoſed in ſome degree to this clauſe. For the extent of its power, even ſuppoſing the diſtrict and circuit courts aboliſhed, ſwallows up every ſhadow of a State judiciary. Gentlemen have therefore no reaſon to complain of the want of federal judiciary power, for the clauſe declares, "That a final judgment or decree in any ſuit in the higheſt court of law, or equity, of a State in which a deciſion of the ſuit could be had, where is drawn in queſtion the validity of a treaty, or ſtatute of, or an authority exerciſed under the United States; and the deciſion is againſt their validity; or where is drawn in queſtion the validity of a ſtatute of, or an authority exerciſed under any State on the ground of their being repugnant to the conſtitution, treaties, or laws of the United States, and the deciſion is in favor of ſuch their validity; or where is drawn in queſtion the conſtruction of any clauſe of the conſtitution, or of a treaty or ſtatute of, or of a commiſſion held under the United States, and the deciſion is againſt the title, right, privilege or exemption ſpecially ſet up, or claimed by either party under ſuch clauſe, of the ſaid conſtitution, treaty, ſtatute or commiſſion; may be re-examined and reverſed or affirmed in the ſupreme court of the United States." Sir, in my

opinion. and I am convinced experience will prove it, there will, nor can be no ſuit or action brought in any of the State courts but may under this clauſe be reverſed or affirmed by being brought within the cognizance of the ſupreme court. But ſhould there be ſome exceptions for the preſent, yet Sir, the precedent is ſo forcible, for it goes ſo far as even to admit of conſtructions that under ſome conſtruction or other, of ſome of the articles, thoſe articles will in time be totally loſt. Sir, let us look at the court of exchequer in England—Revenue trials at firſt engroſſed its whole attention—from a ſeries of fiction there is now no perſonal action but from conſtruction may be brought with in their cognizance—It is only to ſuggeſt, and very ſeldom true that the plaintiff is a kings debtor and the action is well grounded—Yet there they have counter checks and another reſort—here the ſupreme court is final. Sir, the gentleman from South-Carolina [Mr. BURKE] was right in declaring a reſident on lake Erie might dragged to New-York for trial, as that on the Oconee to Savannah. Nay, Sir, I know not how far in time a man might not be dragged from the Oconee to be tried in North-Carolina; for one part of the bill, without ſpecifying the ſpot, declares that the circuit courts ſhall have power to hold ſpecial ſeſſions for the trial of criminal cauſes at their diſcretion. On thoſe conſiderations I hope the Houſe will not adopt the preſent ſyſtem until the milder one is tried. It is calculated to harraſs and foment the people, without anſwering any eſſential purpoſe.

(N. B. In Mr. Jackſon's ſpeeeh in our laſt, middle column, 14 line inſtead of "the firſt he has brought forward," read the firſt I ſhall notice *and inſtead of "the firſt privilege of every government," read* the firſt principle of every government.)

Mr. SMITH (S. C.) All the difficulties and inconveniences which the gentlemen have ſtarted as ariſing from the eſtabliſhment of a diſtrict court ariſe from the government itſelf. All the objections made to this court apply equally againſt having any national judicature. Indeed if they had any weight they would as forcibly apply againſt the very inſtitution which the gentlemen patronize, viz. a court of admiralty and piracy. If there is to be this perpetual claſhing of juriſdictions between the federal and State courts, this eternal jarring between their reſpective officers, will not theſe embarraſſments exiſt under any judicial ſyſtem which the ingenuity of man can deviſe? Will they not take place under the eſtabliſhment propoſed by the other ſide; and will the mere alteration of the court from a diſtrict to a court of admiralty and piracy remedy the evil? But theſe objections come too late; a national government is eſtabliſhed—the judicial power is a component part of that government, and muſt be commenſurate to it. If we have a government pervading the Union, we muſt have a judicial power of ſimilar magnitude: We muſt eſtabliſh courts in every part of the Union. The only queſtion is, which is the plan beſt calculated to anſwer the great objects we all have in view, the carrying the judicial powers into operation with the leaſt inconvenience to the citizens. This double ſyſtem of juriſprudence is unavoidable; it is as much a part of the Conſtitution as the double ſyſtem of legiſlation; each State has a legiſlative power, and the Congreſs has a legiſlative power, both operating on the ſame perſons, and in many caſes on the ſame objects: It is infinitely more difficult to mark with preciſion the limits of the legiſlative than of the judicial power: No one however diſputed the propriety of veſting Congreſs with a legiſlative power over the Union, and yet that power is perhaps more liable to abuſe than the judicial. It has been indeed contended in ſome of the State Conventions that Congreſs ought not to be intruſted with direct taxation; and it is remarkable that the ſame obſtacles were urged againſt that power which are now ſuggeſted againſt this inſtitution. It was then ſaid that federal and State taxes could not operate at the ſame time without confuſion; it was then facetiouſly aſked, whether the Congreſſional and the State collector who had ſeized a horſe for the payment of taxes were to divide him between them; it is now aſked with equal pleaſantry, whether the marſhal of the diſtrict court and the ſheriff of the State court who have taken the ſame debtor in execution are to cut him in halves.—It was then anſwered, that if the State collector ſeized the horſe firſt, he will have the firſt ſatisfaction: It was alſo ſhewn that there are frequently in the ſame State, State taxes, county taxes, and corporation taxes, and that theſe never occaſioned any claſhing or confuſion: It may now be anſwered that there are at preſent in ſome of the States, State courts, county courts, and corporation courts; and that theſe are found convenient, and unaccompanied with the claſhing ſo much apprehended. They keep within their particular ſpheres, and have their limits aſcertained. But, in anſwer to one ſuppoſition allow me to ſtate another: Suppoſe a State ſheriff and a county ſheriff ſhould ſeize the ſame debtor, would he be parcelled out between them? would not the execution which was firſt ſerved take effect? Is not this the practice at preſent, and will it not be ſo under this ſyſtem? It is very eaſy for gentlemen in the warmth of their imaginations to ſuppoſe a variety of caſes, and to raiſe a multiplicity of objections againſt any ſyſtem of juriſprudence whatever: They will all be more or leſs liable to ſome objection on the ſcore of inconvenience, but they are ſubmitted to by good citizens who are ſenſible that they are the ſureſt means of protecting their property, reputations and lives. After all that has been ſaid, it does not appear that we differ ſo widely as was imagined, for the gentlemen who advocate the motion, concede the neceſſity of ſome inferior federal court in each State: this clauſe does nothing more than eſtabliſh an inferior federal court in each State. What then do gentlemen object to? If it is the name of the court, that may be altered—if it is the frequency of holding them, it will be very eaſy to amend the clauſe in that reſpect; but why move to ſtrike out the clauſe altogether, when it is granted on all hands that there muſt be ſuch a court. The objection to the extent of juriſdiction is premature, and ought to be reſerved for the clauſe which aſcertains the juriſdiction; if upon an inveſtigation of that clauſe, it ſhall appear that it ought to be reſtricted, that will be the ſeaſonable time for moving to ſtrike out the exceptionable part, but really at preſent gentlemen are making objections to one clauſe which, from their own conceſſions, apply altogether to another. As to ſeveral other obſervations, which relate to the time of holding the courts, and the mode of drawing jurors, it is unneceſſary to reply fully to them at preſent, becauſe it would be improper to run into a diſcuſſion of the detail, while the queſtion is on the principle of the ſyſtem. I am no leſs oppoſed to the time of holding the courts and the mode of drawing jurors, provided by the bill, than the gentleman from whom the objection came, and I ſhall add my endeavors to his, to effect an alteration in theſe points; but this is not the proper time, we are now on the principle, whether there ſhall be a diſtrict court; The ſame anſwer will apply to the objection that the juries and witneſſes will be unneceſſarily harraſſed; every care will be taken to accommodate theſe courts to the convenience of the citizens of each State.

Several other difficulties have been urged as growing out of this plan of juriſprudence; a candid diſcuſſion will remove and obviate them. It has been ſaid, that the bill provides a number of appeals from the State to the ſupreme court, through the diſtrict and circuit courts, and that the ſuitors may be perſecuted with appeals carried on from one court to another, through four different courts, An attentive examination of the bill is a ſufficient anſwer to this objection: There is no appeal from the State to the diſtrict court, and only a power of removal in certain caſes of a federal juriſdiction from the State to the circuit court: neither is there any appeal of fact from the diſtrict to the circuit court, but in admiralty cauſes, and theſe cannot be afterwards carried up to the ſupreme court but where the value exceeds 2000 dollars.

It has been ſaid that under the idea of vicinage, a man may be dragged far from his friends to trial from Georgia to North-Carolina; but it muſt be remembered that there is a Conſtitutional proviſion, that the criminal ſhall be tried in the State where the offence is committed, and the bill is conformable to the Conſtitution in this reſpect. It has been obſerved that the Conſtitution is no bar to veſting the State courts with federal powers, for the words "ſuch inferior courts as Congreſs ſhall from time to time eſtabliſh," imply that Congreſs may not inſtitute them, and if they are not inſtituted, theſe powers muſt of courſe remain with the State courts: In reply to this argument it is to be obſerved, that the words, "ſuch inferior courts, &c." apply to the number and quality of the inferior federal courts, and not to the poſſibility of excluding them altogether: It is a latitude of expreſſion empowering Congreſs to inſtitute ſuch a number of inferior courts, of ſuch particular conſtruction, and at ſuch particular places as ſhall be found expedient: In ſhort in the words of the Conſtitution, Congreſs may eſtabliſh ſuch inferior courts as may appear requiſite. But that Congreſs muſt eſtabliſh ſome inferior Courts is beyond a doubt: In the firſt place, the Conſtitution declares that the judicial power of the United States ſhall be veſted in a ſupreme and in inferior courts. The words "ſhall be veſted" have great energy, they are terms of command; they leave no diſcretion to Congreſs to parcel out the judicial powers of the Union to State judicatures, where a diſcretionary power is left to Congreſs by the Conſtitution, the word "may" is employed, where no diſcretion is left, the word "ſhall" is the appropriate term; this diſtinction is cautiouſly obſerved. Again, the Supreme Court in two caſes only has original in all others it has appellate juriſdiction; but where is the appeal to come from? Certainly not from the State courts; it muſt come from a federal tribunal. There is another argument which appears concluſive: The Conſtitution provides that the judges of the Supreme and inferior courts ſhall hold their commiſſions during good behavior and ſhall receive ſalaries not capable of diminution, and it further provides that the judicial power of the Union ſhall be veſted in a Supreme and inferior courts; that is in a Supreme and inferior courts whoſe judges ſhall are to their commiſſions during good behaviour and are to poſſeſs ſalaries not liable to diminution.

Does not then the Conſtitution in the plaineſt and moſt unequivocal language preclude us from allotting any part of the judicial authority of the Union to the State judicatures? The bill, it is ſaid, is then unconſtitutional, for it recognizes the authority of the State courts in that clauſe which empowers the Supreme Court to overturn the deciſions of the State Courts when thoſe deciſions are repugnant to the laws or Conſtitution of the United States. This is no recognition of any ſuch authority, it is a neceſſary proviſion to guard the rights of the Union againſt the invaſion of the States. If a State court ſhould uſurp juriſdiction of federal cauſes, and by its adjudications attempt to ſtrip the federal Government of its Conſtitutional rights, it is neceſſary that the national tribunal ſhould poſſeſs the power of protecting thoſe rights from ſuch invaſion. The committee have been told that this multiplication of courts, and of appeals will diſtreſs the citizens; and the number of appeals in Great Britain have been alluded to. I have always heard that there is no country in the world where juſtice is better adminiſtered than in that country; to its excellent and impartial adminiſtration the proſperity, freedom and civil rights of its citizens have been attributed: Were appeals too much reſtrained in this country, I much queſtion whether a great clamor would not be raiſed againſt ſuch a reſtriction: The citizens of a free country, when they loſe their cauſe in one court, like to try their chance in another: This is a privilege they conſider themſelves juſtly intitled to, and if a litigious man harraſſes his adverſary by vexatious appeals, he is ſufficiently puniſhed for it by having the coſts to pay. By limiting appeals to the Supreme Court to ſums above 1000 dollars, as is propoſed, the poor will be protected from being harraſſed by appeals to the Supreme Court.

There is one more obſervation which requires an anſwer:—It was ſaid that the juries, might be dragged from one end of a State to another; proviſion is expreſsly made againſt this in the bill; it is there enacted that the juries ſhall be ſo drawn as to occaſion the ſmalleſt inconvenience to the citizens. After having very maturely conſidered the ſubject and attentively examined the bill in all its modifications, and heard all that has been alledged on this occaſion, I am perfectly convinced that, whatever defects may be diſcovered in other parts of the bill, the adoption of this motion would tend to the rejection of every ſyſtem of national juriſprudence.

[*The remainder of this debate in our next.*]

WEDNESDAY, SEPTEMBER 2.

A petition from the citizens of Philadelphia reſpecting the permanent and temporary reſidence of Congreſs was read.

The petition of the creditors of the United States reſiding in the city of Philadelphia, was refered to the committee of ways and means.

Mr. VINING then brought forward his motion reſpecting the validity of the Jerſey election, in a new form, viz. "Reſolved, that *James Schureman, Lambert Cadwallader, Elias Boudinot*, and *Thomas Sinnickſon*, were duly elected and properly returned members of this Houſe."

Mr. SHERMAN made a number of obſervations in ſupport of the validity of the election.

Mr. SMITH (S. C.) ſpake on the ſame ſide. The following is the ſubſtance of his argument:

This is a ſubject which requires conſiderable attention. I confeſs I had doubts yeſterday. I have ſince made up my opinion. It appears to me the matter turns on the conſtruction of the law of New-Jerſey. In the firſt place the law admits of a conſtruction that the returns ought to be made, and the election announced on the third of March.

It admits of another conſtruction, that the election ought not to be declared, till all the returns from all the counties in the State were made, We muſt give the law a reaſonable conſtruction. It appears from the preamble, that the election ſhould be declared the third of March, becauſe it mentions that the Conſtitution ſhould begin to operate on the fourth of March, and the preamble implies that the election ſhould be made known at that time. There is no particular time preſcribed when the returns ſhall be made; but it appears that there is a reference to the practice and uſage of the State. Now by the law regulating the election of the repreſentatives in the State Legiſlature, there appears to be no time limited for the returns of the election. It appears alſo that this conſtruction was given by the ſeven counties who made their returns previous to the fourth of March. It appears alſo, that the Governor had this in idea by ſummoning the Council. Theſe obſervations were made yeſterday, and they had weight on my mind. In anſwer to this conſtruction it may be ſaid, that it is done away by the act which declares that the Governor and Council ſhall caſt up the votes from the *whole* of the returns of *all* the counties, and therefore the fourth of March was not the proper time, unleſs the returns were all then made, which it is probable was contemplated at the time of the paſſing of the law. It will appear that abſurdities will follow from either of the conſtructions. If you take the firſt, it might ſo have happened that no county may have made the returns. Would it then have been required that the Governor ſhould declare the election? or that the Governor ſhould decide on the votes of one county, if only one had returned? On the other hand to wait till all the returns had been made would be equally abſurd, becauſe it would be in the power of one county to defeat the election.

The queſtion then is, whether the executive power has not a diſcretion; and whether he ought not to exerciſe that diſcretion to carry the law into execution?—If this is admitted, another queſtion ariſes, whether the executive exerciſed that diſcretion in a juſtifiable manner. It appears that the Governor, previous to the third of March, ſummoned the council and laid before them the returns on that day. But it ſeems alſo that the Governor thought it probable that all the returns would not then be made—As on the third of March, there were only the returns of ſeven counties made: As it was merely matter of conſtruction, it appears to me that the Governor and Council had a right to exerciſe their diſcretion, in poſtponing the determination for ſuch a reaſonable time as would allow the returns to be ſent in; and that this is one of thoſe caſes where the executive may properly interpoſe its author-

ty where the law is dubious, and yet muſt be carried into operation. Some latitude muſt be given to the executive in ſimilar caſes—were it denied the executive authority would be almoſt uſeleſs. The Governor when he ſummoned the Council, obſerved that the returns would probably be made the third of March, and upon that preſumption did he ſummon them. The next queſtion is, whether the Governor ſhould not have protracted the determination till all the returns were made? I think not, for the reaſons before ſtated; it is ſufficient if he waited a reaſonable time, ſo that the returns might have all been made: Twelve out of thirteen were actually made: Congreſs were aſſembling, and a very reaſonable time had been allowed: The Governor was then juſtified in announcing the election.

It may be ſaid that this diſcretionary power might be abuſed, becauſe the governor might watch the opportunity when his friends were higheſt on the liſt, and then cloſe the election. True, ſuch abuſe was poſſible, and were it proved, would be a good ground of ſetting it aſide; but all power is liable to abuſe; the returning officers have it in their power to commit abuſes at all elections, yet they muſt be truſted; it does not appear that the governor acted unfairly—on the contrary, he ſeems to have conſulted the intereſts of his ſtate, by ſending its repreſentatives in proper time to Congreſs, and at the ſame time receiving the ſuffrages of his fellow citizens, as long as was conſiſtent with the public good.

The queſtion on Mr. VINING's motion was carried in the affirmative.

A meſſage was received from the Preſident of the United States informing the Houſe that he had approved and ſigned the bill for regulating the coaſting trade, and the treaſury bill.

The Houſe then took up the amendment of the Senate to the bill for eſtabliſhing the compenſation of the members of Congreſs.

The firſt amendment was to ſtrike out the firſt paragraph to the bill, and to inſert inſtead thereof a clauſe providing that the Senators and Repreſentatives ſhould have ſix dollars a day till the year 1795, when the compenſation of the Senators ſhould be ſeven dollars a day, and that the allowance for travel ſhould be ſix dollars for every twenty miles.

Mr. JACKSON oppoſed very warmly both the principle of the amendment and the manner in which it was introduced.

Mr. SEDGWICK alſo objected to the form of the amendment, but took this opportunity to preſs the principle of the diſcrimination between the pay of both Houſes. He was ſupported by Mr. Ames.

Mr. TUCKER reprobated the form of the amendment as indelicate, ſince it propoſed to the houſe a meaſure which it would be diſgraceful in them to adopt, viz. the ſubjecting their ſucceſſors to a diſcrimination and an inferiority which they would not themſelves ſubmit to.

Mr. JACKSON conſidered the amendment as a meaſure of deception, to take the Houſe in by a ſpecious ſemblance in the Senators of a diſregard to their perſonal intereſt.

On the other ſide, the argument was chiefly confined to the general principle, and the old ground was travelled over. Several alterations, by way of amendment, were attempted to the amendment of the Senate, but the amendment itſelf ſeemed ſo conſtructed that any partial alteration appeared impoſſible with conſiſtency.

The general queſtion for concurrence was at length taken, and negatived by a large majority. *Adjourned.* [*Daily Adver.*]

THURSDAY, SEPTEMBER 3.

The engroſſed bill for ſuſpending the operation of a clauſe in the collection law till the firſt of Auguſt next, was read a third time and paſſed.

A letter from the Governor of Georgia was read, which encloſed an accurate ſtatement of the impoſts, exports, amount duties, &c. of that State, for the year 1788.

The bill to provide for the puniſhment of certain crimes committed againſt the United States, was read a ſecond time, and refered to a committee of the whole Houſe—to be the order of the day, next Monday week.

In committee of the whole on the ſubject of a permanent reſidence for the general Government.

The reſolution ſubmitted by Mr. SCOTT on Thurſday laſt, was read: viz. That a place ought to be fixed on for the permanent reſidence of the general Government, as near the centre of wealth, population and territory, as is conſiſtent with the convenience of the Atlantic navigation, having alſo due regard to the weſtern territory.

Mr. GOODHUE roſe, and obſerved that the above reſolution is indefinite, as it ſpecifies no particular place—the eaſtern and northern members, ſaid he, have been averſe to taking up this buſineſs the preſent ſeſſion, conſidering the weight of public buſineſs to be tranſacted previous to the adjournment; but their judgment being overruled by a late vote, they have ſince made up their minds upon the ſubject, and agreed not only with the ſpirit of the reſolution before the committee, but have gone further, and fixed on the place; they are of opinion that on the eaſtern banks of the river Suſquehanna, Congreſs ſhould fix its permanent reſidence; and that until the particular ſpot ſhould be determined on, and the proper buildings erected, the ſeat of the general government ſhould be at the city of New-York. He then introduced a reſolution to that effect.

The diſcuſſion of this ſubject being an expected event, a crouded hall and galleries teſtified the public ſolicitude.—The debate was ingenious, *pathetic*, and animated—the moſt profound attention was given.

Several amendments were propoſed and negatived: But one moved by Mr. LEE for ſtriking out the former part reſpecting "the Suſquehanna," and inſerting "the Patowmac," occaſioned a prolongation of the debate till near 4 o'clock, when the committee roſe, without deciding upon the original motion, or the amendment,—— and the Houſe adjourned.

FRIDAY, SEPT. 4.

Mr. HEISTER preſented a petition from the invalid ſoldiers of the State of Pennſylvania, repreſenting that the State has ſtopped the payment of their penſions, and praying relief—read, and refered to a ſpecial committee, conſiſting of Mr. Heiſter, Mr. Wadſworth, and Mr. Gilman.

The ſeveral petitions from penſioners, which have been preſented to the Houſe, on motion of Mr. Partridge, were refer edto the above committee—which was alſo inſtructed to take up the ſubject generally, and to report a bill.

The committee, to which was recommitted the report on the letter received from the Poſt-Maſter General, brought in a new report, in ſubſtance, as follows: Reſolved, that until further proviſion can be made, the Poſt-Office be conducted agreeable to the ordinances of the late Congreſs, and that the contracts be made conformably thereto. In committee of the whole, on the order of the day.

Mr. BOUDINOT in the chair.

The reſolve introduced by Mr. GOODHUE yeſterday in the following words was read: Reſolved, as the opinion of this committee, that the permanent ſeat of the government of the United States, ought to be at ſome convenient place on the eaſt bank of the Suſquehanna in the State of Pennſylvania; and that until the neceſſary buildings be erected for the purpoſe, the ſeat of the government ought to be at New-York.—Mr. LEE propoſed to amend this reſolution, by ſtriking out the firſt part to introduce a clauſe which provided that the permanent ſeat of government ſhould be on the Patowmac.—The debate was on this amendment, which continued till near four o'clock, when the queſtion being put, it was negatived; as were alſo ſeveral others, and the queſtion on Mr. GOODHUE's motion was finally carried in the affirmative.

Mr. FITZSIMONS then propoſed the following, viz.

Reſolved, as the opinion of this committee, that The Preſident of the United States be authoriſed to appoint commiſſioners, to examine and report to him the moſt eligible ſituation on the eaſt bank of the Suſquehanna, for the permanent ſeat of the government of the Uuited States. That the ſaid commiſſioners be authoriſed, by and with the advice of the Preſident, to purchaſe ſuch quantity of land as may be thought neceſſary —and to erect thereon within years, ſuitable buildings for the accommodation of the Congreſs, and of the officers of the United States.—

That the Secretary of the treaſury, together with the Commiſſioners ſo to be appointed, be authorized to borrow a ſum not exceeding dollars, to be repaid in years with intereſt at the rate of per cent. per ann. payable out of the Duties on Impoſt and Tonnage; to be applied to the purchaſe of the land, and the erection of the buildings aforeſaid.

And that a bill ought to paſs in the preſent ſeſſion, in conformity with the foregoing reſolutions. Which being read was laid on the table—After which the committee roſe, and the chairman reported progreſs. *Adjourned.*

☞ *Want of room prevents our inſerting a ſketch of the intereſting debate on this ſubject, this day.*

EMIGRATION.

BY dire misfortune driven to deſpair,
To ſouthern climes our hardy ſons repair;
There in a land of fire, diſeaſe, and ſlaves,
Where the FIRST PLANTER is the man of graves,
Where fevers, agues, fogs and dews deſtroy,
And aid grim Death the Sexton to employ,
The wretched victims find when 'tis too late,
Their native clime affords a milder fate.

ADDRESS TO THE PUBLICK.—FROM AN OLD FRIEND.

I HAVE always been a friend to America: It is my native country—and till very lately I have had no cauſe of complaining—every body has been pleaſed with my deportment, and have thought themſelves happy in the *neareſt and moſt intimate acquaintance with me*; but ſome how or other, there is a *real* or *pretended* indifference ariſen of late—what it is owing to, I will not ſay; but ſo it is, that ſince a certain vagabond crew of brazen face cheats were beat out of countenance, and were ſhunned by all honeſt people, as they ought to be—I ſay, ſince that time, I have been a ſufferer: Perhaps it is owing to my having been ſeen in bad company now and then; but this it is impoſſible to avoid, as the world goes: However, the fact is, that I have ſunk in the general eſtimation, ſome ſay ten, others twenty pr. cent. My family conſiſts of a variety of ages and ſizes; and we all have our *weight* and *importance* regulated; and claim our reſpective dues and ranks in ſociety. We have done no injury to the public: We behave as well now as we did twenty years ago—and why we ſhould not be eſtimated as highly is perfectly unaccountable to our whole family.

Some *old ſervants** among us complain very bitterly of a certain ſhopkeeper, who under pretence of our *inferior* value, is locking us up for tranſportation, by which he will clear more than twenty pr. cent. and indeed we ſhall *all* be for packing off bag and baggage, if we cannot be valued according to our *intrinſic* merit.

It is our invariable cuſtom to *fix* in thoſe places where we can purchaſe the *moſt*, with the *leaſt*.

If theſe hints do not have proper *weight* given them, you ſhall hear another chinking before we take our final departure.

SILVER COIN.

* *Shillings without a head.*

THE LATEST ACCOUNTS FROM EUROPE, STATE—

That every thing was in a ſtate of fermentation in France—and that the *military* had refuſed to draw the trigger upon their couutrymen when ordered by the Count D'Artois, in Paris:—That the Duke of Orleans omits no opportunity to acquire popularity:—That forty of the principal clergy had joined the Commons—and that the *Tiers Etat* were continually receiving acceſſions of numbers to their party:

That the Ruſſians and Swedes are cutting throats, the former have taken a 44 gun ſhip from the latter—but that the Swedes had gained the advantage in an engagement by land.

That the Turks and the Allies are frequently engaged—and the former as uſual routed with horrible ſlaughter—Two Pachas having lately fallen into the hands of the Imperialiſts:

That the Emperor of Germany is not dead, but recovers ſlowly—and was to take the field in May—and that in all probability the campaign will be a bloody one:

That the budget had been opened by the Britiſh miniſter in parliament—and ſome additional taxes propoſed—among others, an EXCISE ON TOBACCO AND SNUFF: That the trial of Warren Haſtings is not finiſhed—nor is there a proſpect of its being very ſpeedily terminated.

TROUBLES IN BRABANT.

The following are the articles propoſed by the Emperor to the Commons of Brabant, and which they having refuſed to accede to, have been diveſted of all power.

Article 1. A fixed ſubſidy to be guarded as in Flanders.

Art. 2. Fifteen towns in the provinces to ſend Members to the States, inſtead of the three chief towns only.

Art. 3. The wiſhes of two Orders forming the majority to carry the conſent of the third.

Art. 4. The council of Brabant to ſeal and publiſh the edicts, regulations, &c. in the uſual form.

Theſe being all refuſed the Emperor has revoked all the charters of liberties granted to the people of Brabant.—Their archives and treaſure cheſts have been ſealed up by his officers, and a committee is appointed to manage the caſh accounts of the province.

It is eaſy to perceive how arbitrary this law is.—The Nobleſſe and Clergy dare not refuſe their conſent to the Emperor's will; and if the above articles were agreed to, the Commons would in fact become nothing more than proclaimers of the laws agreed to by the other two Orders.

NEW-YORK, SEPTEMBER 5.

It has been remarked, that ſince the outcry was raiſed about the Copper Coin, the Silver has depreciated in value, and what is entirely unaccountable upon any juſt principles, quarters, eighths, and ſixteenths of dollars of the old ſtamp, are depreciated by many into *piſtareens*, *half piſtareens*, *&c.* The dollars and parts of dollars of this deſcription, are really worth a premium upon the value of the new dollars, as is well known.

Money is ſo *very* plenty, and the fruits of the earth are ſo *very* ſcarce, that it cannot be wondered at, that the ſolid coin ſhould be ſo little eſteemed!

Coppers with the Jerſey ſtamp, are now current at two for a penny: It is to be hoped, that the *mint maſters* will be ſo moderate as not to glut the market.

The period aſſigned for the preſent ſeſſion of Congreſs is drawing to a cloſe. Perhaps ſome, and indeed moſt of the public creditors expected that in the courſe of this ſeſſion, the public debt would have been a ſubject of contemplation. However, had they carefully eſtimated the objects that were to be previouſly accompliſhed, they could hardly have ſuppoſed that ſo few months would have brought our national legiſlation to ſo advanced a ſtage of the buſineſs, as that of PUBLIC CREDIT. Every reflecting man muſt be convinced, that a good ſyſtem of finance preſuppoſes a well-eſtabliſhed, operative government. If attempts are too ſoon made to fix appropriations, it is a thouſand chances to one, but that the calculations will be ſo fallacious, as to throw embarraſſment and uncertainty over the face of public affairs. Some data reſulting from an experiment muſt be obtained before the important ſubject of appropriation can be ſafely introduced and finally decided.

The debates on the ſubject of a permanent ſeat of government reflect the higheſt honor on the abilities of the ſeveral ſpeakers. Great juſtice was done to the arguments on both ſides, and the ſpectators, who were uncommonly numerous, expreſſed their approbation of the candor, and their admiration for the talents that were diſplayed on this intereſting occaſion. We will not pretend to determine how far it was policy to introduce the queſtion at the preſent moment; but we can affirm that it has been ably and honorably conducted.

There appears at the preſent day to be the happieſt diſpoſition among all claſſes to give all due honor to our civil rulers, and to pay a prompt obedience to the laws: This indication is among the moſt auſpicious preſages of our country, for without domeſtic peace, and tranquility, no art or profeſſion can be purſued with any degree of ſatisfaction—"*the hope of reward ſweetens labor*," but if that hope is embittered by fear and anxiety, leſt the reſtleſs ſons of anarchy and diſcord ſhould blow into a flame the coals of ſtrife and party rage, and thus check the operations of law and government, the hand of the diligent is unnerved, langour and idleneſs ſucceed, and ſociety is rendered leſs eligible than a ſtate of nature.

Nature and art are combining to render the United States a great and happy people under the auſpices of the New Government.—Providence is crowning the year with its bounty: The vegetable world pours forth its treaſures in luxuriant profuſion—a more plentiful ſeaſon was perhaps never known—"*the valleys are covered with corn, and the hills rejoice on every ſide*"—health in general pervades our cities and towns—commerce from a thouſand ſources pours her rich treaſures iuto our lap—arts and huſbandry are daily receiving additional improvements—in theſe our inventions are unparalleled. What gives the finiſhing tint to the portrait is, That our Country is free—our earnings our own—protected by a wiſe, a juſt and equal conſtitution of government.

The people of France never appeared in a more exalted point of view than at the preſent important criſis. As friends to the equal rights of human nature, Americans cannot be indifferent ſpectators of their glorious exertions in the cauſe of liberty—and as allies and friends they cannot but wiſh them a compleat triumph, in eſtabliſhing a free conſtitution of government.

A correſpondent wiſhes to enquire what perſonage is meant by the letter writer from Frederickſburg in your laſt, under the terms OUR PRESIDENT—*whether he means the Preſident of a College in Virginia, or of any particular club of which the letter writer is a member; for as there are or may be more than one perſon of the ſame name who may loſe a parent, his account is too indefinite to be underſtood.* Q.

ARRIVALS. NEW-YORK.

Wedneſday, Sloop Lady Haley, Tillinghaſt, Rhode-Iſland,
Schooner Sincerity, White, Baltimore, 10 days.
Sloop Herbert, Colley, Norfolk, 6 do.
Sloop Dolphin, Carpenter, Savanna, 8 do.
Brig William, Maſtin, Madeira, 42 do,
Thurſday, Brig William, Harriſon, Dublin, 75 do.
Brig Hull Packet, Lawrance, Hull.
Sloop ——, Dominick, St. Auguſtine, ——.
Sloop St. John, Nixen, St. Thomas, 18 do.
Sloop John, Lowndes, St. Croix, 18 do.
Schooner Nancy, Clark, Baltimore, 7 do.

The RIGHT CONSTITUTION *of a* COMMONWEALTH EXAMINED,

(IN CONTINUATION.)

THE example of Paulus Æmilius is equally hoſtile to our author's ſyſtem, and equally friendly to that which we contend for. The firſt conſul of that name, the conqueror of Illyricum, in 533, although he returned to Rome in triumph, yet, at the expiration of his office, he was cited before the people, in their tribes, and accuſed of having converted part of the ſpoils to his own uſe. Æmilius had great difficulty to eſcape the condemnation which his colleague ſuffered. This great patrician and conſul commanded, and was killed at the battle of Cannæ. His ſon, of the ſame name, whoſe ſiſter Æmilia was married to the great Scipio, diſtinguiſhed himſelf by avoiding thoſe intrigues, ſolicitations, careſſes, and other artifices, practiſed by moſt candidates, even at this time, 562. His pains were employed to make himſelf eſteemed by valour, juſtice, and ardour in his duty, in which he ſurpaſſed all the young men of his age. He carried the ædileſhip againſt ten competitors, every one of whom was ſo diſtinguiſhed by birth and merit as afterwards to obtain the conſulſhip. By his wife Papiria he had two ſons, whom he procured to be adopted into the moſt illuſtrious houſes in Rome; the eldeſt by Fabius maximus, five times conſul and dictator; the younger by a ſon of Scipio Africanus. His two daughters were married, one to a ſon of Cato the cenſor, and the other to Tubero. In 563 he gained a complete victory over the Luſitanians, in which he killed them eighteen thouſand men, and took their camp, with thirteen hundred priſoners. In the offices of ædile, and of augur, he excelled all his contemporaries in the knowledge and practice of his duty: and military diſcipline he carried to greater perfection than had ever been known: nevertheleſs, when he ſtood for any office, even in thoſe virtuous times, there was always an oppoſition; and he could not obtain the conſulſhip till after he had ſuffered ſeveral repulſes. Why? Becauſe his virtue was too ſevere; not for the ſenate, but the people; and becauſe he would not flatter and bribe the people. Before the end of the year of his firſt conſulate he fought the Ligurians, and gained a complete victory over them, killing more than fifteen thouſand men, and making near three thouſand priſoners, and returned to Rome in triumph: Yet with all his merit, when he ſtood candidate, ſome years after, for the conſulate, the people rejected him; upon this he retired to educate his children. He was frugal in every thing of private luxury, but magnificent in expences of public duty. Grammarians, rhetoricians, philoſophers, ſculptors, painters, equerries, hunters, were procured for the inſtruction of his children. While he was thus employed in private life, in 583, fourteen years after his firſt conſulſhip, the affairs of the Republic were ignorantly conducted, and the Macedonians, with Perſeus at their head, gained great advantages againſt them. People were not ſatisfied with the conduct of their conſuls of late years, and began to ſay, that the Roman name was not ſupported. The cry was, that the command of the armies muſt no longer be given to faction and favor. The ſingular merit of Æmilius, his ſplendid ſervices, the confidence which the troops had in his capacity, and the urgent neceſſity of the times for his wiſdom and firmneſs, turned all eyes upon him. All his relations, and the ſenators in general, urged him to ſtand candidate. He had already experienced ſo much ingratitude, injuſtice, and caprice, that he ſhunned the preſent ardor, and choſe to continue in private life. That very people who had ſo often ill uſed him, and rejected him, now crowded before his door, and inſiſted on his going to the forum; and his preſence there was univerſally conſidered as a ſure preſage of victory, and he was unanimouſly elected conſul, and appointed commander in Macedonia. He conquered Perſeus and his Macedonian Phalanx, and in the battle he formed Fabiuſes and Scipios to be the glory and triumph of his country after him. He plundered the immenſe wealth of Macedonia and Epirus: he plundered ſeventy cities, and demoliſhed their walls. The ſpoils were ſold, and each ſoldier had two hundred denarii, and each of the horſe four. The ſoldiers and common people, it ſeems, had little of that diſintereſtedneſs for which Æmilius was remarkable. They were ſo offended at their general for giving ſo little of the booty to them, and reſerving ſo much to the public treaſury, that they raiſed a great cry and oppoſition againſt his triumph; and Galba, the ſoldiers, and their friends among the plebeians, were determined to teach the great men, the conſuls, generals, &c. to be leſs public-ſpirited—to defraud the treaſury of its wealth, and beſtow it upon them: they accordingly oppoſed the triumph of this great and diſintereſted general, and the firſt tribes abſolutely rejected it. —Who, upon this occaſion, ſaved the honour, juſtice, and dignity of the republic? Not the plebeians but ſenators. The ſenators were highly enraged at this infamous injuſtice and ingratitude, and this daring effort of popular licentiouſneſs and avarice, and were obliged to make a noiſe, and excite a tumult. Servilius, too, who been conſul, and had killed three and twenty enemies who had challenged him in ſingle combat, made a long ſpeech, in which he ſhewed the baſeneſs of their conduct in ſo ſtriking a light, that he made the people aſhamed of themſelves; and at length they conſented to the triumph, but to all appearance more from a deſire to ſee the ſhow of Perſeus laden with chains, led through the city before the chariot of the victor, than from any honeſt and public ſpirited deſign to reward merit. The ſum which he cauſed to be carried into the public treaſury on the day of the triumph was one million three hundred thouſand pounds ſterling, and cauſed the taxes of the Roman people to be aboliſhed. At his death, after the ſale of part of his ſlaves, moveables, and ſome farms, to pay his wife's dower, the remainder of his fortune was but nine thouſand three hundred and ſeventy-five pounds ſterling. As he was deſcended from one of the moſt noble and ancient houſes of Rome, illuſtrious by the higheſt dignities, the ſmallneſs of his fortune reflects honor on his anceſtors as well as on himſelf. The love of ſimplicity was ſtill ſupported in ſome of the great families, by extreme care not to ally themſelves with luxurious ones; and Æmilius choſe Tubero, of the family of Ælii, whoſe firſt piece of plate was a ſilver cup of five pounds weight, given him by his father-in-law. Theſe few families ſtemmed the torrent of popular avarice and extravagance.

EUROPEAN ACCOUNTS, BY LATE ARRIVALS.

ST. PETERSBURGH, MAY 15. The ſon of General Kameſkoy, who commands the army in Moldavia, arrived here yeſterday with the news, that on the 27th of April, General Derſelden compelled the Turks to retreat to within twenty werſts of Brailla, near Mackſunene, on the river Sireth. In this action 400 of the enemy were killed, and a conſiderable number drowned. A Pacha of Two Tails, who commanded in Moldavia, was taken priſoner, with about 100 men, one piece of cannon, and three ſtandards.

A ſecond Courier arrived this day from General Kameſkoy, with an account that on the 30th April, General Derſelden had attacked the enemy in the camp near Galata, on the Danube, and that after an obſtinate engagement of more than three hours, he had totally defeated them. Fifteen hundred Turks were killed, and a Pacha of Three Tails, with a conſiderable number of officers, and above 1000 men taken priſoners. The camp, with the artillery, ſtandards, &c. fell into the hands of the conquerors, whoſe loſs amounted only to 60 men killed, and 100 wounded.

VIENNA, MAY 30. Intelligence has been received that the Grand Vizir, with an army of 100,000 men has left Ruſchuck, and is advancing along the banks of the Danube, towards Cladova, in Servia.

LONDON, JULY 1. According to advices from Gibraltar, the arrival of Admiral Peyton's cruizers inform, that the States of Barbary, Algiers, Tunis, Tripoli, Barca, &c. are making much more formidable naval preparations than were ever before known at any period of time whatever; all in aid of the Ottoman Porte in its war againſt the two Imperial Courts. It was even ſaid that theſe conjoint forces are meant to attack ſome of the Imperial or Tuſcan ports in Italy.

By the laſt advices from Madras, we learn that General Meadows was on his way from Bombay, to ſucceed Governor Campbell, but that he had not then arrived.

General Meadows is to be ſucceeded by General Abercrombie, in the government of Bombay.

Much praiſe is due to Sir Archibald Campbell, for the excellent ſtate of defence in which he has left the Carnatic. The diſpoſition of the troops ſtationed in that province, is ſuch as does honor to his military ſkill, while it effectually ſecures, at the ſame time, that province from the ſudden inſults of Tippoo Sultan.

July 2. An attempt is ſaid to have been made on the life of Monſ. Necker, by poiſon! The Miniſter however, happily diſcovered the matter in time to prevent its effects; for the diſh which he had taſted, upon further trial, killed a dog; and ſome ſnuff, which had been conveyed into a box before him, in a few minutes deſtroyed another animal!

In the laſt attempt, the artifice was this:—The box was a *fac ſimile* of Mr. Neckar's, and it was placed, according to that gentleman's cuſtom, on the mantle-piece. He had a narrow eſcape, for the box was in his hand, when he diſcovered his own in his pocket!!!

It is needleſs to add, that Mr. Neckar is now on his guard; his chief food is hen's eggs, which Madame Neckar ſees boiled in her own room.

The ſpirit of the people, now urged on by deſperation, ſeems capable of the moſt daring attempt. The *Tiers Etat*, of the Commons, as they are proud to call themſelves, are prevailing more and more. The only queſtion now is,—whether the ſoldiery will or will not adhere to the Court. If the army prefer the intreſts of their fellow-citizens to thoſe of the Crown, there is an end to the deſpotiſm of the French Monarch!

ABRIDGEMENT of the STATE of POLITICS for laſt week.

FRANCE.

AMIDST the various figures that fill up the political ſcenery for this week, the moſt conſpicuous ſtill is the commotions in France. The diſſentions in that kingdom ſeem now to be ripening faſt to ſome cataſtrophe. We wait, in anxious ſuſpence, for the eventful iſſue. The Third Eſtate, equal in number to the Nobility and the Clergy united, have aſſumed to themſelves all the powers of the States General.—They have endeavored to convert their decrees into laws, which they have printed, publiſhed, and diſtributed in the provinces. Detachments, to ſpeak in the military ſtile, which muſt ſoon be too powerful, from the Nobility and Clergy have joined their corps: and thus a foundation is laid for a civil war, which, it now appears, is altogether inevitable: for the order of the Nobles, formidable by their numbers, wealth, high ſpirits, and connections in the army, have ſent a remonſtrance to the King, in which they expreſs their reſolution to maintain the perogatives of the Crown, and the prerogatives of their own order. This body, rendered compact and indiviſible by a military ſpirit and a ſenſe of honor, preſents a front of oppoſition that is not to be appalled by threats, nor eaſily cajoled by conceſſions. The French nation is therefore divided into two great parties; or rather they have fallen into two diviſions. The King, under the influence of Mr. Neckar, and the Commons form one diviſion; the great body of the Nobility and the Clergy the other. In theſe circumſtances an appeal will naturally be made to the army. It is ſaid that ſeveral gentlemen of the army have caught the infection of freedom, as well as the maſs of the people. The French regiments that ſerved in America, in the late war, are particularly diſtinguiſhed, as might have been naturally expected, by their zeal for liberty. Were this enthuſiaſm general among the military gentlemen, the matters in diſpute would be ſettled at once. But this, we have been aſſured by private intelligence, which we cannot doubt, is by no means the caſe. The great part, by far, of the officers of the army, commiſſioned and non-commiſſioned, dependent on the crown for their ſubſiſtence, their conſequence in ſociety, and their future views, ſee with jealouſy the riſing power of an order of men whom they were accuſtomed to treat with inſolent contempt. And though the preſent Monarch, Louis XVI. leans towards the Commons, they conſider this as a dereliction of the Royal Prerogatives; as a temporary phrenzy which cannot be laſting. They make a diſtinction, in ſhort, between the perſon of the Sovereign, whoſe ſentiments and inclinations are uncertain, and the Throne, which they conſider as fixed and permanent.

EAST-INDIES.

By late advices from India, we have been informed, that our affairs in that quarter wear a flouriſhing aſpect, though there be a pretty general diſſatisfaction among the ſervants of the Company, as might be expected, at the rigorous reforms carried on by Lord Cornwallis. In a political view it may be queſtioned, how far it is prudent, before the powers of our government be more accurately defined, and our authority more firmly rooted in India, to dry up the reſources by which individuals acquire fortunes; or to diſcourage men of family and ſpirit from entering into the Company's ſervice. Preſents and perquiſites are natural in Aſia.

THE NATIONAL MONITOR.——No. XVIII.

" Combine ye ſons of freedom, ah, combine,
" The people are invincible who join;
" *Factions* and *feuds* will overturn the State,
" Which UNION renders flouriſhing and great.

AT the commencement of the revolution, UNION *was the word.—We juſtly conſidered this as the great axis on which our political exiſtence turned. Our experience verified the idea; for,*

" *'Twas* UNION *ſav'd us in the trying hour.*"

Can it be thought leſs important that we ſhould be as fully impreſſed with this important ſentiment now? *It cannot.—This led us to empire and independence.—This has given us a* CONSTITUTION, *the glory of this weſtern region, and the envy and admiration of the world.* UNION *alone can preſerve and perpetuate this ineſtimable jewel—without which* FREEDOM *is but a name.—Laws, and government being perhaps more neceſſary to its preſervation, than they are for the ſecurity of life and property.—The Conſtitution has paſſed a fiery trial, and like gold has come forth with additional luſtre—it is* now *the* "SUPREME LAW OF THE LAND"*—that great uniting bond that holds the States together, and on which all our hopes of national happineſs and glory depend.—Let us then view with abhorrence and indignation, every attempt to ſow the ſeeds of jealouſy, diſtruſt and diſunion among ourſelves —every effort to injure, deface, or depreciate the merits of the Conſtitution. In an eſpecial manner let us ſpurn every attempt to ſully the reputation, wound the feelings, or deſtroy the uſefulneſs of thoſe patriotic characters, which* THE PEOPLE *have appointed to adminiſter the new Government. There are perſons in every community whoſe element is confuſion—but for the people to countenance ſuch incendiaries, is to ſet their own houſe on fire.*

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